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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,300	08/05/2003	Christophe Desard	57474US013	7982
32692	7590	06/16/2005	EXAMINER	
3M INNOVATIVE PROPERTIES COMPANY			HARRIS, ANTON B	
PO BOX 33427			ART UNIT	
ST. PAUL, MN 55133-3427			PAPER NUMBER	
			2831	

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/634,300	<b>Applicant(s)</b> DESARD ET AL.	
	<b>Examiner</b> Anton B. Harris	<b>Art Unit</b> 2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 23-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 10/634,300.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Laeremans et al. (5,775,702 cited by Applicant).

Regarding claim 1, Laeremans et al. (col. 8, lines 1-67) discloses a cable bushing comprising:

a first compression part 3a;

a second compression part 3b, offset in a longitudinal direction from the first compression part 3a;

at least one opening 11 in said first compression part 3a and at least one corresponding opening 11 in said second compression part 3b;

sealing means 5 located between said first compression part 3a and said second compression part 3b; and

compression means 7a, 7b for moving said first compression part 3a and said second compression part 3b towards one another in the longitudinal direction to compress said sealing means 5;

wherein said first compression part 3a and said second compression part 3b each comprise at least one piece (figure 4) that is movable to provide access individually to said respective opening 11.

Regarding claim 2, Laeremans et al. (col. 8, lines 1-67) discloses that a first compression part 3a comprises a plurality of said openings 11, wherein said second compression part 3b comprises a plurality of said corresponding openings 11; and wherein said first 3a and second 3b compression part each comprise a plurality of said moveable pieces (figure 4) to provide access to said respective openings 11.

Regarding claim 3, Laeremans et al. (col. 8, lines 1-67) discloses that each of said movable pieces (figure 4) of said first compression part 3a lies longitudinally facing a respective movable piece (figure 4) of said second compression part 3b.

Regarding claim 4, Laeremans et al. (col. 8, lines 1-67) discloses that said sealing means 5 comprises, between said movable pieces (figure 4) of said first compression part 3a and said longitudinally-facing movable pieces (figure 4) of said second compression part 3b, respective movable portions (figure 4).

Regarding claim 5, Laeremans et al. (col. 8, lines 1-67) discloses that said first 3a and second 3b compression parts have a circular shape (figure 1) when viewed in said longitudinal direction.

Regarding claim 6, Laeremans et al. (col. 8, lines 1-67) discloses that each of said movable pieces (figure 4) is in the form of a sector of a circle with a truncated point.

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Regarding claim 7, Laeremans et al. (col. 8, lines 1-67) discloses that said first 3a and second 3b compression parts have a rectangular shape (figure 6b) when viewed in the said longitudinal direction.

Regarding claim 8, Laeremans et al. (col. 8, lines 1-67) discloses that each of said movable pieces (figure 4) is secured in said respective compression part 3a, 3b by clip-fastening means 13 in the form of lugs and concavities.

Regarding claim 9, Laeremans et al. (col. 8, lines 1-67) discloses that each of said movable pieces (figure 4) is pivotally mounted in said respective compression part 3a, 3b.

Regarding claim 10, Laeremans et al. (col. 8, lines 1-67) discloses that said openings 11 are circular and comprise inwardly directed leaves (figure 9).

Regarding claim 11, Laeremans et al. (col. 8, lines 1-67) discloses at least one longitudinal rod 15 connecting said first compression part 3a to said second compression part 3b.

Regarding claim 12, Laeremans et al. (col. 8, lines 1-67) discloses that said longitudinal rod 15 has an angular cross section and is inserted in corresponding angular orifices (figure 5a) of said first 3a and second 3b compression parts.

Regarding claim 13, Laeremans et al. (col. 8, lines 1-67) discloses that said sealing means 5 is compressed by movement of said first compression part 3a in said longitudinal direction towards said second compression part 3b.

Regarding claim 14, Laeremans et al. (col. 8, lines 1-67) discloses that said sealing means comprises a gel 5.

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Regarding claim 15, Laeremans et al. (col. 8, lines 1-67) discloses that each of said compression parts 3a, 3b comprises four of said openings 11 and four of said movable pieces (figure 4).

Regarding claim 16, Laeremans et al. (col. 8, lines 1-67) discloses that said bushing 1 is mounted in said sleeve 35.

Regarding claim 17, Laeremans et al. (col. 8, lines 1-67) discloses that in combination with a second cable bushing 1 and a linkage 15 passing both through said first 3a and second 3b compression parts of each of said bushings 1 and serving to maintain the distance between said cable bushings 1.

Regarding claim 18, Laeremans et al. (col. 8, lines 1-67) discloses that bushing comprising:

- a first compression part 3a,

- a second compression part 3b, offset in a longitudinal direction from the first compression part 3a;

- a plurality of openings 11 in said first compression part 3a and a plurality of corresponding openings 11 in said second compression part 3b;

- a portion of gel 5 between said first compression part 3a and said second compression part 3b; and compression means 7a, 7b for compressing said first compression part 3a and said second compression part 3b towards one another in the longitudinal direction to compress said gel 5;

wherein said first compression part 3a and said second compression part 3b each comprise, a respective moveable piece (figure 4) that is movable to provide access individually to each of said respective openings 11.

Regarding claim 19, Laeremans et al. (col. 8, lines 1-67) discloses that each of said movable pieces (figure 4) of said first compression part 3a lies longitudinally facing a respective movable piece (figure 4) of said second compression part 3b.

Regarding claim 20, Laeremans et al. (col. 8, lines 1-67) discloses that said portion of gel 5 comprises, between said movable pieces (figure 4) of said first compression part 3a and said longitudinally-facing movable pieces (figure 4) of said second compression part 3b, a plurality of respective movable portions (figure 4) of said gel 5.

Regarding claim 21, Laeremans et al. (col. 8, lines 1-67) discloses that said first 3a and second 3b compression parts have a circular shape (figure 4) when viewed in said longitudinal direction.

Regarding claim 22, Laeremans et al. (col. 8, lines 1-67) discloses that said bushing 1 is mounted in said sleeve 35. See figure 8.

### ***Response to Arguments***

3. Applicant's arguments filed 21 March 2005 have been fully considered but they are not persuasive.

4. In response to applicant's argument to the rejection of claims 1 and 18 that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "for each opening, at least one piece that is movable to provide access individually to said respective opening") are not recited in the rejected claim(s). However,

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Applicant's claim differently recites "wherein said first compression part and said second compression part each comprise, *for each of said at least one openings therein*, at least one piece that is movable to provide access individually to said respective opening". Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Laeremans et al. discloses wherein said first compression part 3a and said second compression part 3b each comprise at least one piece (figure 4) that is movable to provide access individually to said respective opening 11.

Furthermore, the functional recitation that "*for each of said at least one openings therein*" has not been given patentable weight because it is in narrative form. In order to be given patentable weight, a functional recitation must be expressed as a "means" for performing the specified function, as set forth in 35 USC 112, 6<sup>th</sup> paragraph, and must be supported by recitation in the claim of sufficient structure to warrant the presence of the functional language. *In re Donaldson*, Co., 16 F.3d 1189, 29 USPQ2d 1845 (Fed. Cir. 1994).

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period



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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anton B Harris whose telephone number is (571) 272-1976. The examiner can normally be reached on weekdays from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Dean Reichard, can be reached on (571) 272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

abh

6/10/05

  
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